

CAUSE NO. 288,863-BMIRANDA WILSON,
Plaintiff,

v.

LIBERTY MUTUAL GROUP INC.,
Defendant.§
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IN THE DISTRICT COURT OF

BELL COUNTY, TEXAS

146TH JUDICIAL DISTRICT**PLAINTIFF'S ORIGINAL PETITION**

TO THIS HONORABLE COURT:

COMES NOW Miranda Wilson, Plaintiff, complaining of Defendant Liberty Mutual Group Inc. (hereinafter referred to as "Liberty"), and would respectfully show:

1. Discovery Control Plan, Rule 47 Statement

1.1 Discovery is intended to be conducted under Level 3 of Rule 190 of the Texas Rules of Civil Procedure.

1.2 Plaintiff requests that this Court enter an Order that discovery be conducted in accordance with a Discovery Control Plan tailored to the circumstances of this specific case.

1.3 Plaintiff's Request for Disclosure, Request for Admissions, Interrogatories, and Request for Production propounded to Defendant are attached to Plaintiff's Original Petition and are being served contemporaneously upon Defendant pursuant to Rules 194, 196, 197, and 198 of the Texas Rules of Civil Procedure.

1.4 For purposes of Rule 47 of the Texas Rules of Civil Procedure, Plaintiff would note that Plaintiff seeks monetary relief over \$1,000,000.00.

2. Parties

2.1 Plaintiff is a resident of Bell County, Texas.

PLAINTIFF'S ORIGINAL PETITION; MIRANDA WILSON V. LIBERTY MUTUAL GROUP INC.;
NO.
Page 1 of 9



2.2 In accordance with Section 30.015 of the Texas Civil Practice and Remedies Code, Plaintiff discloses that Plaintiff's address is 764 A East Ridge Boulevard, Temple, Texas 76502.

2.3 In accordance with Section 30.014 of the Texas Civil Practice and Remedies Code, Plaintiff discloses that the last three (3) numbers of Plaintiff's driver's license number are 904 and that the last three (3) numbers of Plaintiff's Social Security number are 860.

2.4 Defendant is a domestic insurance company admitted by the State of Texas to do business in Texas, authorized by the State of Texas to write insurance in Texas, and doing business in Texas.

2.5 Defendant may be served with process through its Registered Agent: Corporation Service Company d/b/a CSC – Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701 (telephone: 1-866-403-5272), or wherever said officer may be found.

3. Jurisdiction

3.1 Defendant does business in Texas and is subject to the jurisdiction of this Court.

3.2 Plaintiff's damages are within the jurisdictional limits of this Court.

4. Venue

4.1 According to Section 1952.110 of the Texas Insurance Code, "an action against an insurer in relation to [Uninsured or Underinsured Motorist Coverage] . . . may be brought only in the county in which: (1) the policyholder or beneficiary instituting the

action resided at the time of the accident involving the uninsured or underinsured motor vehicle; or (2) the accident occurred.”

4.2 Plaintiff, a policyholder or beneficiary instituting actions against a defendant insurer, Defendant, in relation to Uninsured or Underinsured Motorist Coverage, resided in Bell County, Texas at the time of the “accident” involving the uninsured or underinsured motor vehicle in question.

4.3 Venue is therefore proper against Defendant in Bell County, Texas pursuant to Section 1952.110 of the Texas Insurance Code.

5. Facts

5.1 On or about February 2, 2016, at or near the intersection of Airport Road and Twin Oaks Road, in Temple, Bell County, Texas, a vehicle operated by Cassandra Harris collided with a vehicle operated by Plaintiff.

5.2 Said driver’s failure to use ordinary care in the operation of a vehicle was a proximate cause of this wreck and Plaintiff’s resulting injury.

5.3 The vehicle Plaintiff was occupying at the time of the wreck, and/or Plaintiff herself, was covered by an insurance contract written by Defendant.

5.4 Plaintiff was insured under this insurance contract, and a party to the contract.

5.5 In this contract, Defendant agreed to pay Uninsured/Underinsured Motorist Coverage (UM/UIM) benefits because of any bodily injury resulting from a motor vehicle accident sustained by a covered person, and property damage caused by the accident.

5.6 These UM/UIM benefits are defined as those for which an injured covered person is legally entitled to recover from the owner or operator of an uninsured or underinsured motor vehicle.

5.7 Plaintiff was a covered person as defined by the contract in question.

5.8 Cassandra Harris' vehicle was either uninsured or underinsured as defined by the insurance contract in question, as well as under Texas law, because there is no applicable third-party insurance coverage or Plaintiff's damages exceed any applicable third-party insurance-coverage limits.

5.9 Plaintiff, because of a bodily injury resulting from a motor vehicle accident, as well as property damage caused by said accident, has incurred damages that Plaintiff is legally entitled to recover from the owner or operator of the uninsured or underinsured motor vehicle in question, specifically, the vehicle driven by Cassandra Harris.

5.10 These damages, past and future, include those damages resulting to Plaintiff, conditioned as Plaintiff was at the time of the occurrence in question, or which resulted from the activation of any condition which may have existed at the time of the occurrence in question.

5.11 These damages, past and future, include physical pain, mental anguish, loss of earnings or earning capacity, disfigurement, physical and mental impairment, and reasonable expenses for necessary health care, including rehabilitative services and devices, resulting from the injuries sustained in the occurrence in question.

5.12 These damages include any subsequent aggravation of the injuries sustained in the occurrence in question.

5.13 Plaintiff has timely and properly applied for UM/UIM benefits based upon the above facts.

5.14 Plaintiff, as well as any other applicable insured parties to the contract, have fully performed, tendered performance of, or was excused from performing all contractual obligations, or at least substantially complied with all contractual obligations.

5.15 Nonetheless, Defendant has failed or refused, and continues to fail or refuse, to pay UM/UIM benefits to Plaintiff.

6. Causes of Action and Relief Sought

6.1 Plaintiff asserts claims under Chapter 37 of the Texas Civil Practice and Remedies Code to have Plaintiff's rights, status, and other legal relationships, under the insurance contract insuring Plaintiff (the insurance contract in question), established by a court of competent jurisdiction.

6.2 Section 37.004(a) of the Texas Civil Practice and Remedies Code provides that "[a] person interested under a deed, will, written contract, or other writings constituting a contract or whose rights, status, or other legal relations are affected by a statute, municipal ordinance, contract, or franchise may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract, or franchise and obtain a declaration of rights, status, or other legal relations thereunder."

6.3 Section 37.004(b) of the Texas Civil Practice and Remedies Code further provides that "[a] contract may be construed either before or after there has been a breach."

6.4 Finally, Section 37.009 of the Texas Civil Practice and Remedies Code provides that “the court may award costs and reasonable and necessary attorney’s fees as are equitable and just.”

6.5 Plaintiff seeks a declaration from the Court that the allegations set forth in paragraphs 5.1 through 5.15 of this Petition are true and correct.

6.6 Plaintiff also seeks a declaration determining the amounts of Uninsured/Underinsured Motorist Coverage benefits under the insurance contract in question to which Plaintiff is entitled to recover from Defendant, after all applicable set-off and credits, for the damages described in paragraphs 5.1 through 5.12 of this Petition.

6.7 Plaintiff specifically requests that Plaintiff’s right to collect Uninsured/Underinsured Motorist Coverage benefits under the insurance contract in question with Defendant be declared, and that it be declared that Plaintiff be entitled to recover said insurance proceeds, notwithstanding the existence of other insurance of a different kind, specifically, but not limited to, health insurance, or that third parties may be responsible for the damages suffered, except as specifically provided in the insurance contract in question, or under Texas law.

6.8 Plaintiff seeks the recovery of costs and reasonable and necessary attorney’s fees, past and future, as are equitable and just.

6.9 These attorney’s fees, past and future, include those for representation through trial and the completion of proceedings in the trial court, for representation through appeal to the court of appeals, for representation at the petition for review stage in the Supreme Court of Texas, for representation at the merits briefing stage in the

Supreme Court of Texas, and for representation through oral argument and the completion of proceedings in the Supreme Court of Texas.

6.10 All conditions precedent have been performed or have occurred.

6.11 Generally, “[a]n insured seeking the benefits of uninsured/underinsured motorist coverage may (1) sue the insurance company directly without suing the uninsured/underinsured motorist; (2) sue the uninsured/underinsured motorist with the written consent of the insurance company, making the judgment binding against the insurance company; or (3) sue the uninsured/underinsured motorist without the written consent of the insurance company and then relitigate the issue of liability and damages.” *In re Koehn*, 86 S.W.3d 363, 368 (Tex. App.—Texarkana 2002, orig. proceeding).

6.12 Plaintiff has resolved Plaintiff’s applicable claims with Cassandra Harris.

6.13 As such, the Texas Uniform Declaratory Judgments Act (Chapter 37 of the Texas Civil Practice and Remedies Code) is the proper vehicle for seeking Uninsured/Underinsured Motorist Coverage benefits. *See, e.g., Accardo v. Am. First Lloyds Ins. Co.*, No. H-11-0008, 2012 WL 1576022, at *1-6 (S.D. Tex. May 3, 2012) (mem. op.) (allowing declaratory judgment action for determination of insurer’s liability for UM/UIM damages); *Owen v. Emp’rs Mut. Cas. Co.*, No. 3:06-CV-1993-K, 2008 WL 833086, at *5 (N.D. Tex. Mar. 28, 2008) (mem. op.) (allowing declaratory judgment action for determination of insurer’s liability for UM/UIM damages); *Schober v. State Farm Mut. Auto. Ins. Co.*, No. 3:06-CV-1921-M, 2007 WL 2089435, at *1-5 (N.D. Tex. July 18, 2007) (mem. op.) (allowing apparent declaratory judgment action for determination of insurer’s liability for UM/UIM damages).

7. Prayer for Relief

7.1 WHEREFORE, PREMISES CONSIDERED, Plaintiff prays for a declaratory judgment declaring Plaintiff's rights as requested in this Petition as well as a judgment against Defendant for Plaintiff's damages as set forth above in an amount within the jurisdictional limits of this Court; attorney's fees as pleaded above; postjudgment interest; costs of court; and such other and further relief, general and special, legal and equitable, to which Plaintiff is justly entitled.

8. Rule 193.7 Notice to Defendant

8.1 TO DEFENDANT: Plaintiff hereby notifies you, pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, that Plaintiff currently intends to use all items produced by you in this litigation at any pretrial proceeding or trial.

9. Rule 609(f) Request to Defendant

9.1 TO DEFENDANT: Pursuant to Rule 609(f) of the Texas Rules of Evidence, Plaintiff hereby requests, in regard to any witnesses that shall be named by any party as a person with knowledge of relevant facts, or as a testifying expert, that you give Plaintiff sufficient advance written notice of your intent to use evidence of a conviction of any such witness.

Respectfully submitted,

DANIEL STARK, P.C.

BY: 

Steven Hooker
Bar No. 24086384
shooker@danielstarklaw.com
Post Office Box 1153
Bryan, Texas 77806
Telephone: (979) 846-8686
Facsimile: (979) 764-8002
Attorney for Plaintiff

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE & CORRECT COPY
OF THE ORIGINAL ON FILE

DEC 29 2016



JOANNA STATON
DISTRICT CLERK BELL CO., TEXAS
BY:  DEPUTY

CIVIL CASE INFORMATION SHEET

Filed 11/15/2016 12:04:21 PM
 Joanna Staton, District Clerk
 District Court - Bell County, TX
 by Melissa Wallace, Deputy

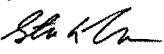
CAUSE NUMBER (FOR CLERK USE ONLY): **288,863-B**

COURT (FOR CLERK USE ONLY):

STYLED: **MIRANDA WILSON V. LIBERTY MUTUAL GROUP INC.**

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet: Name: <u>Steven Hooker</u> Email: <u>shooker@danielstarklaw.com</u> Address: <u>P.O. Box 1153</u> Telephone: <u>(979) 846-8686</u> City/State/Zip: <u>Bryan, TX 77806</u> Fax: <u>(979) 764-8002</u> Signature:  State Bar No: <u>24086384</u>		Names of parties in case: Plaintiff(s)/Petitioner(s): MIRANDA WILSON Defendant(s)/Respondent(s): LIBERTY MUTUAL GROUP INC. [Attach additional page as necessary to list all parties]		Person or entity completing sheet is: <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____ Additional Parties in Child Support Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____					
2. Indicate case type, or identify the most important issue in the case (select only 1):									
Civil			Family Law						
Contract <i>Debt/Contract</i> <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: _____ <i>Foreclosure</i> <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: _____		Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <i>Malpractice</i> <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input checked="" type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <i>Product Liability</i> <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: _____ <input type="checkbox"/> Other Injury or Damage: _____		Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: _____ Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other: _____		Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <i>Divorce</i> <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other: _____		Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocals (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child: _____	
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment: _____		Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other: _____							
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax		Probate & Mental Health <i>Probate/Wills/Intestate Administration</i> <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: _____							
3. Indicate procedure or remedy, if applicable (may select more than 1):									
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input checked="" type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover					
4. Indicate damages sought (do not select if it is a family law case):									
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input checked="" type="checkbox"/> Over \$1,000,000									

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 DOCUMENT ATTACHED IS A
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DEC 29 2016
 DISTRICT CLERK
 DEPUTY

[Print this page](#)

Case # 288,863-B

Case Information

Location	Bell County - District Clerk
Date Filed	11/15/2016 12:04:21 PM
Case Number	288,863-B
Case Description	
Assigned to Judge	
Attorney	Steven Hooker
Firm Name	Daniel Stark Injury Lawyers
Filed By	Stephanie Treadwell
Filer Type	Not Applicable

Civil Information

Procedures / Remedies	Attachment
-----------------------	------------

Fees

Convenience Fee	\$7.49
Total Court Case Fees	\$257.00
Total Court Party Fees	\$0.00
Total Court Filing Fees	\$0.00
Total Court Service Fees	\$2.00
Total Filing & Service Fees	\$0.00
Total Service Tax Fees	\$0.00
Total Provider Service Fees	\$0.00
Total Provider Tax Fees	\$0.00
Grand Total	\$266.49

Payment

Account Name	2018 Visa
Transaction Amount	\$266.49
Transaction Response	Approved
Transaction ID	21964269
Order #	013797404-0

Petition

Filing Type	EFile
Filing Code	Petition
Filing Description	Plaintiff's Original Petition
Reference Number	209874
Comments	

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OF THE ORIGINAL ON FILE

DEC 29 2016

JOANNA STATON
DISTRICT CLERK, BELL COUNTY, TEXAS
DEPUTY

Status	Accepted
Accepted Date	11/16/2016 08:59:34 AM
Fees	
Court Fee	\$0.00
Service Fee	\$0.00

Documents

<i>Lead Document</i>	2016-11-15 1P POP.pdf	[Original]	[Transmitted]
<i>Attachments</i>	2016-11-15 Civil Case Info Sheet.pdf	[Original]	[Transmitted]

SHELIA F. NORMAN

BELL COUNTY DISTRICT CLERK

REQUEST FOR SERVICE

CAUSE NUMBER 288,863-BSTYLE Miranda Wilson v. Liberty Mutual Group Inc.**TYPE OF SERVICE REQUESTED****COST FOR SERVICE**

	<u>DISTRICT CLERK</u>	<u>SHERIFF</u>
<input type="checkbox"/> Resident Citation	\$8.00	\$60.00
<input checked="" type="checkbox"/> Non-Resident Citation	\$8.00	
<input type="checkbox"/> Citation by Restricted Mail	\$68.00	
<input type="checkbox"/> Citation to Secretary of State	\$12.00	
<input type="checkbox"/> Citation to Secretary of State by Certified Mail	\$72.00	
<input type="checkbox"/> Citation by Publication (newspaper)	\$68.00	
<input type="checkbox"/> Citation by Publication (courthouse door)	\$68.00	
<input type="checkbox"/> Show Cause	\$8.00	\$60.00
<input type="checkbox"/> Temporary Restraining Order	\$8.00	\$75.00
<input type="checkbox"/> Notice Application for Protective Order	\$8.00	\$20.00
<input type="checkbox"/> Subpoena	\$8.00	\$60.00
<input type="checkbox"/> Subpoena-Duces Tecum	\$8.00	\$60.00
<input type="checkbox"/> Abstract of Judgment	\$8.00	
<input type="checkbox"/> Order of Sale	\$8.00	\$100.00
<input type="checkbox"/> Capias	\$8.00	\$100.00
<input type="checkbox"/> Notice of Expunction	\$8.00	
<input type="checkbox"/> Order of Expunction	\$8.00	
<input type="checkbox"/> Bench Warrant	\$8.00	\$60.00
<input type="checkbox"/> Writ of Attachment	\$8.00	\$100.00
<input type="checkbox"/> Writ of Execution	\$8.00	\$100.00
<input type="checkbox"/> Writ of Garnishment	\$8.00	\$100.00
<input type="checkbox"/> Writ of Habeas Corpus	\$8.00	\$100.00
<input type="checkbox"/> Writ of Injunction	\$8.00	\$75.00
<input type="checkbox"/> Writ of Possession	\$8.00	\$100.00
<input type="checkbox"/> Writ of Sequestration	\$8.00	\$100.00
<input type="checkbox"/> Other: _____		

***** CERTIFIED COPY DOCUMENT ATTACHED IS A TRUE & CORRECT COPY OF ORIGINAL ON FILE *****

NAME AND ADDRESS OF PERSON TO BE SERVED:

Liberty Mutual Group Inc.
 Registered Agent: Corporation Service Company
 d/b/a CSC - Lawyers Incorporating Service Company
 211 E. 7th Street, Suite 620
 Austin, Texas 78701

TO BE SERVED BY:

☐ Bell County Sheriff
☐ Private Process
☒ Back to Attorney
☐ District Clerk

REQUESTED BY:

S. Hooker

DATE REQUESTED:

11-16-2016

[Print this page](#)

Case # 288,863-B

Case Information

Location	Bell County - District Clerk
Date Filed	11/16/2016 09:17:35 AM
Case Number	288,863-B
Case Description	
Assigned to Judge	
Attorney	Steven Hooker
Firm Name	Daniel Stark Injury Lawyers
Filed By	Stephanie Treadwell
Filer Type	Not Applicable

Fees

Convenience Fee	\$0.42
Total Court Case Fees	\$0.00
Total Court Party Fees	\$0.00
Total Court Filing Fees	\$12.50
Total Court Service Fees	\$2.00
Total Filing & Service Fees	\$0.00
Total Service Tax Fees	\$0.00
Total Provider Service Fees	\$0.00
Total Provider Tax Fees	\$0.00
Grand Total	\$14.92

Payment

Account Name	2018 Visa
Transaction Amount	\$14.92
Transaction Response	Approved
Transaction ID	21966575
Order #	013816192-0

No Fee Documents

Filing Type	EFileAndServe
Filing Code	No Fee Documents
Filing Description	Request for Service Form
Reference Number	209874
Comments	Please mail citation to Post Office Box 1153, Bryan, Texas 77806. Thank you!
Status	Accepted

EFileAndServe

No Fee Documents

Request for Service Form

209874

Please mail citation to Post Office Box 1153, Bryan, Texas 77806. Thank you!

Accepted

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JOHANNA STATON
DISTRICT CLERK, BELL COUNTY, TEXAS
DEPUTY

Accepted Date 11/16/2016 09:35:41 AM

Fees

Court Fee \$12.50

Service Fee \$0.00

Optional Services

>Issue Citation \$8.00

>Copies - Non-Certified \$4.50 (9 x \$0.50)

Documents

Lead Document 2016-11-16 Request for Service - [Original] [Transmitted]
Liberty.pdf

eService Details

Name/Email	Firm	Service Type	Status	Served	Date/Time Opened
Steven Hooker shooker@danielstarklaw.com	Daniel Stark Injury Lawyers	EServe	Sent	Yes	Not Opened
Stephanie Treadwell streadwell@danielstarklaw.com		EServe	Sent	Yes	Not Opened



Server MAIL TO ATTY

THE STATE OF TEXAS**CITATION****Cause No. 288863 - 0****To**

**LIBERTY MUTUAL GROUP INC-THROUGH ITS REGISTERED AGENT:
CORPORATION SERVICE COMPANY DBA CSC-LAWYERS INCORPORATING
SERVICE COMPANY
211 E. 7TH STREET, SUITE 620
AUSTIN, TEXAS 78701**

Defendant, in the hereinafter styled and numbered cause:

You are hereby commanded to appear by filing a written answer to the **PLAINTIFF'S ORIGINAL PETITION** at or before 10:00 a.m. on the first Monday following the expiration of twenty (20) days from the date of service hereof, with the clerk of the **146TH DISTRICT COURT**, Bell County, Texas, to be held at the Bell County Justice Complex Building, District Courts in Belton, Texas, a copy of which accompanies this citation, in the cause number **288863 - 0**, styled

**MIRANDA WILSON
VS
LIBERTY MUTUAL GROUP INC**

filed in said court on November 15, 2016.

This was issued at the request of attorney: STEVEN HOOKER, P.O. BOX 1153 BRYAN, TEXAS 77806.

NOTICE TO Defendant: You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 AM on the first Monday following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taken against you.

Witness, JOANNA STATON, District Clerk of Bell County, Texas.

Issued and given under my hand and seal of said Court at office in Belton, Texas, on November 16, 2016.

JOANNA STATON, District Clerk
Bell County, Texas
1201 West Huey Road
P.O. Box 909
Belton, Texas 76513

By: Alice Clement Deputy Clerk
CLEMENAA

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OF THE ORIGINAL ON FILE

DEC 29 2016



JOANNA STATON
DISTRICT CLERK, BELL CO., TEXAS
BY: [Signature] DEPUTY:

CAUSE NUMBER 288863-0

MIRANDA WILSON

VS.

LIBERTY MUTUAL GROUP, INC.

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IN THE DISTRICT COURT

146TH JUDICIAL DISTRICT

BELL COUNTY, TEXAS

AFFIDAVIT OF DELIVERY

Came to my hand on: 11 / 30 / 2016 at 10:00 o'clock P. M.

- ☒ CITATION
- ☒ PLAINTIFF'S ORIGINAL PETITION
- ☒ REQUEST FOR ADMISSIONS TO DEFENDANT
- ☒ REQUEST FOR PRODUCTION TO DEFENDANT
- ☒ PLAINTIFF'S FIRST SET OF WRITTEN INTERROGATORIES TO DEFENDANT
- ☒ REQUEST FOR DISCLOSURE TO DEFENDANT

Executed by me on: 12 / 01 / 2016 at 3:27 o'clock P. M.

Executed at **211 EAST 7TH STREET, SUITE 620, AUSTIN, TEXAS**, within the county of **TRAVIS**, by delivering to **LIBERTY MUTUAL GROUP, INC.** by delivery to its registered agent, **CORPORATION SERVICE COMPANY DBA CSC-LAWYERS INCORPORATING SERVICE COMPANY**, by delivery to **SUE VERTREES**, in person, a true copy of the above-specified civil process with the date of delivery endorsed thereon.

I am a person not less than eighteen (18) years of age, have never been convicted of a felony or a crime of moral turpitude, and no charge of a felony or a crime of moral turpitude is pending against me. I am not a party to or interested in the outcome of this case, am authorized by law, by the Supreme Court of Texas, or by written order of the Court to deliver citations and other notices, and am able to perform this service of process correctly pursuant to TRCP 103, 106, 107 and 536a. I swear that the statements and facts contained in this affidavit are true and correct and within my personal knowledge and experience.

Service Fee: \$

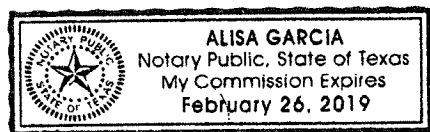

 KEVIN BLANDFORD

SCH000000214 (EXP. 07/31/17)


STATE OF TEXAS

VERIFICATION

Before me, a Notary Public, on this day personally appeared KEVIN BLANDFORD, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements and facts therein contained are true and correct. Given under my hand and seal of office on this the 2ND day of DECEMBER, 2016.



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OF THE ORIGINAL ON FILE


 Notary Public, State of Texas

DEC 29 2016


 JOANNA STATON
 DISTRICT CLERK, BELL CO., TEXAS
 BY  DEPUTY



Server MAIL TO ATTY

THE STATE OF TEXAS

ORIGINAL

CITATION

Cause No. 288863 - 0

To

LIBERTY MUTUAL GROUP INC-THROUGH ITS REGISTERED AGENT:
CORPORATION SERVICE COMPANY DBA CSC-LAWYERS INCORPORATING
SERVICE COMPANY
211 E. 7TH STREET, SUITE 620
AUSTIN, TEXAS 78701

Defendant, in the hereinafter styled and numbered cause:

You are hereby commanded to appear by filing a written answer to the **PLAINTIFF'S ORIGINAL PETITION** at or before 10:00 a.m. on the first Monday following the expiration of twenty (20) days from the date of service hereof, with the clerk of the **146TH DISTRICT COURT**, Bell County, Texas, to be held at the Bell County Justice Complex Building, District Courts in Belton, Texas, a copy of which accompanies this citation, in the cause number **288863 - 0**, styled

MIRANDA WILSON

VS

LIBERTY MUTUAL GROUP INC

filed in said court on November 15, 2016.

This was issued at the request of attorney: STEVEN HOOKER, P.O. BOX 1153 BRYAN, TEXAS 77806.

NOTICE TO Defendant: You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 AM on the first Monday following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taken against you.

Witness, JOANNA STATON, District Clerk of Bell County, Texas.

Issued and given under my hand and seal of said Court at office in Belton, Texas, on November 16, 2016.

JOANNA STATON, District Clerk

Bell County, Texas

1201 West Huey Road

P.O. Box 909

Belton, Texas 76613

By:

Deputy Clerk

CLEMENAA

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE & CORRECT COPY
OF THE ORIGINAL ON FILE

DEC 29 2016



JOANNA STATON

DISTRICT CLERK, BELL CO., TEXAS

BY DEPUTY

**CITATION RETURN OF SERVICE**

Cause No. 288863 - 0

MIRANDA WILSON
VS
LIBERTY MUTUAL GROUP INC

IN THE
146TH DISTRICT COURT
BELL COUNTY, TEXAS

ADDRESS FOR SERVICE:

LIBERTY MUTUAL GROUP INC-THROUGH ITS REGISTERED AGENT:
CORPORATION SERVICE SERVICE COMPANY DBA CSC-LAWYERS INCORPORATING
SERVICE COMPANY
211 E. 7TH STREET, SUITE 620
AUSTIN, TEXAS 78701

OFFICER'S RETURN

Came to hand on the _____ day of _____, 20____, at _____, o'clock ____m., and
executed in _____ County, Texas by delivering to each of the within named defendants in person, a true
copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the **PLAINTIFF'S**
ORIGINAL PETITION at the following times and places, to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse
See Affidavit Attached		
And not executed as to the defendant(s), _____		
The diligence used in finding said defendant(s) being: _____		
and the cause or failure to execute this process is: _____		
and the information received as to the whereabouts of said defendant(s) being: _____		

FEES:

Serving Petition and Copy \$ _____

Total \$ _____

_____, Officer

_____, County, Texas

By: _____, Deputy

Affiant**COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.**

In accordance with TRCP Rule 107; the officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The return must either be verified or be signed under penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is _____, my date of birth is _____, and my address is
(First, Middle, Last)

(Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in _____ County, State of _____, on the _____ day of _____.

Declarant/Authorized Process Server_____
(Id # & expiration of certification)

Print this page

Case # 288,863-B

Case Information

Location	Bell County - District Clerk
Date Filed	12/07/2016 01:26:59 PM
Case Number	288,863-B
Case Description	
Assigned to Judge	
Attorney	Steven Hooker
Firm Name	Daniel Stark Injury Lawyers
Filed By	Stephanie Treadwell
Filer Type	Not Applicable

Fees

Convenience Fee	\$0.06
Total Court Case Fees	\$0.00
Total Court Party Fees	\$0.00
Total Court Filing Fees	\$0.00
Total Court Service Fees	\$2.00
Total Filing & Service Fees	\$0.00
Total Service Tax Fees	\$0.00
Total Provider Service Fees	\$0.00
Total Provider Tax Fees	\$0.00
Grand Total	\$2.06

Payment

Account Name	2018 Visa
Transaction Amount	\$2.06
Transaction Response	Approved
Transaction ID	22479349
Order #	014154376-0

No Fee Documents

Filing Type	EFileAndServe
Filing Code	No Fee Documents
Filing Description	Return of Service for Liberty Mutual
Reference Number	209874
Comments	
Status	Accepted
Accepted Date	12/07/2016 01:36:36 PM

EFileAndServe
No Fee Documents
Return of Service for Liberty Mutual
209874

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DOCUMENT ATTACHED IS A
TRUE & CORRECT COPY
OF THE ORIGINAL ON FILE

DEC 29 2016

Accepted

12/07/2016 01:36:36 PM



JOANNA STATON
DISTRICT CLERK, BELL CO., TEXAS
BY [Signature] DEPUTY

Fees

Court Fee	\$0.00
Service Fee	\$0.00

Documents

Lead Document 2016-12-07 ROS for D Liberty Mutual.pdf [\[Original\]](#) [\[Transmitted\]](#)

eService Details

Name/Email	Firm	Service Type	Status	Served	Date/Time Opened
Steven Hooker shooker@danielstarklaw.com	Daniel Stark Injury Lawyers	EServe	Sent	Yes	Not Opened
Stephanie Treadwell streadwell@danielstarklaw.com		EServe	Sent	Yes	Not Opened

NO. 288,863-B

MIRANDA WILSON,
Plaintiff

V.

LIBERTY MUTUAL GROUP INC.,
Defendant

IN THE DISTRICT COURT OF

BELL COUNTY, TEXAS

146TH JUDICIAL DISTRICT

DEFENDANT LIBERTY MUTUAL GROUP, INC.'S
ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES LIBERTY MUTUAL GROUP, INC., Defendant in the above styled and numbered cause, and files this its Original Answer, and for such would show as follows:

ANSWER

1.

Defendant generally each and every material allegation set forth by Plaintiff in her Original Petition on file herein, in accordance with Rule 92 of the *Texas Rules of Civil Procedure*, and demands strict proof thereof in accordance with the constitution, statutes and laws of the State of Texas.

2.

Defendant specially denies that all conditions precedent have been performed, have occurred, have been excused, or have been waived in any form or fashion by Defendant. In this regard, Defendant Liberty Mutual Group Inc.'s obligation to perform under the underinsured motorist provisions of the insurance policy has not become absolute, as all conditions precedent to the Plaintiff's recovery under those provisions have not been performed and/or have not occurred.

3.

Pleading further, and subject to and without waiving any pleadings herein, Defendant Liberty Mutual Group Inc. would show that Plaintiff's recovery is limited by the express terms of the policy that is the subject of this lawsuit to the limit of underinsured motorist coverage provided by such policy.

4.

Pleading further, and subject to and without waiving any pleadings herein, Defendant Liberty Mutual Group Inc. would show that all or a part of Plaintiff's alleged injuries, illnesses and conditions, and the damages she seeks therefore, are the result of an illness or condition existing prior to the occurrence of the incident giving rise to this lawsuit, or are the result of a physical condition or illness that was not caused by the incident giving rise to this lawsuit.

REQUEST FOR JURY TRIAL

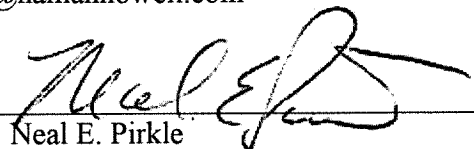
Defendant respectfully requests trial before a jury.

WHEREFORE, PREMISES CONSIDERED, Defendant Liberty Mutual Group Inc. prays that upon proper findings by the fact finder and this Court that it be awarded its costs, and that it have such other and further relief to which it may show itself to be justly entitled.

Respectfully submitted,

NAMAN, HOWELL, SMITH & LEE, P.L.L.C.
P. O. Box 1470
Waco, Texas 76703-1470
(254) 755-4100
FAX (254) 754-6331
pirkle@namanhowell.com

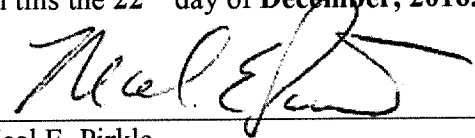
BY: _____


Neal E. Pirkle
State Bar No. 00794464
Joe Rivera
State Bar No. 24065981

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing Defendant Liberty Mutual Group, Inc.'s Original Answer has been served by electronic delivery and by First Class U.S. Mail to counsel for Plaintiff on this the 22nd day of December, 2016.



Neal E. Pirkle

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DOCUMENT ATTACHED IS A
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OF THE ORIGINAL ON FILE

DEC 29 2016



JOANNA STATON
DISTRICT CLERK, BELL CO., TEXAS
BY:  DEPUTY

[Print this page](#)**Case # 288,863-B****Case Information**

Location	Bell County - District Clerk
Date Filed	12/22/2016 03:45:59 PM
Case Number	288,863-B
Case Description	
Assigned to Judge	
Attorney	Neal Pirkle
Firm Name	Naman Howell Smith & Lee, PLLC
Filed By	Neal Pirkle
Filer Type	Not Applicable

Fees

Convenience Fee	\$1.31
Total Court Case Fees	\$0.00
Total Court Party Fees	\$0.00
Total Court Filing Fees	\$40.00
Total Court Service Fees	\$2.00
Total Filing & Service Fees	\$0.00
Total Service Tax Fees	\$0.00
Total Provider Service Fees	\$3.00
Total Provider Tax Fees	\$0.25
Grand Total	\$46.56

Payment

Account Name	6200
Transaction Amount	\$46.56
Transaction Response	Approved
Transaction ID	22895736
Order #	014433336-0

Answer/Response

Filing Type	EFileAndServe
Filing Code	Answer/Response

Filing Description	Defendant Liberty Mutual Group, Inc.'s Original Answer
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Reference Number	17684-1 (Wilson v. LM)
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Comments	
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Status	Accepted
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OF THE ORIGINAL ON FILE

DEC 29 2016



JOANNA STATON
DISTRICT CLERK, BELL CO., TEXAS
BY _____ DEPUTY

Accepted Date 12/22/2016 03:48:58 PM

Fees

Court Fee \$40.00

Service Fee \$0.00

Optional Services

>Jury Fee \$40.00

Documents

Lead Document 04283099.pdf [Original] [Transmitted]

eService Details

Name/Email	Firm	Service Type	Status	Served	Date/Time Opened
Steven Hooker shooker@danielstarklaw.com	Daniel Stark Injury Lawyers	EServe	Sent	Yes	Not Opened
Stephanie Treadwell streadwell@danielstarklaw.com		EServe	Sent	Yes	12/22/2016 03:46:51 PM
Neal Pirkle pirkle@namanhowell.com	Naman Howell Smith & Lee, PLLC	EServe	Sent	Yes	Not Opened
Lanette Sullins lanette@namanhowell.com	Naman Howell Smith & Lee, PLLC	EServe	Sent	Yes	Not Opened
Joe Rivera jrivera@namanhowell.com	Naman Howell Smith & Lee, PLLC	EServe	Sent	Yes	12/22/2016 03:47:50 PM